

October 1, 2019

Regional Freedom of Information Officer
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202

Re: *Richardson Flats Tailings Superfund Site, Park City, Utah*

Dear Sir or Madam:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the United States Environmental Protection Agency's ("EPA") FOIA regulations, 40 C.F.R. Part 2, Asarco LLC ("Asarco") by and through its counsel, McGuireWoods LLP, hereby requests the release of all documents and information associated with the soil and groundwater contamination and remediation for Operable Unit 2 and Operable Unit 3 at the Richardson Flats Superfund site ("Site"), EPA Site ID #UTD980952840, located in Park City, Utah. We request the following information:

1. All drafts/iterations of the Action Memorandum ("AM") for the Site;
2. All drafts/iterations of the Site Characterization Report ("SCR");
3. All accounting statements indicating spent funds for the Site;
4. All documents related to the clean up progress for the Site;
5. All drafts/iterations of the Environmental Evaluation/Cost Analysis ("EE/CA") for the Site;
6. All source data used to the draft AM, SCR and EE/CA;
7. All documents showing the expected cost of clean up at the Site;
8. The name of the Consultants and/or Contractor(s) conducting all planning, analysis (including but not limited to the AM, SCR, and EE/CA) and remediation work at the Site;
9. The name and contact information of the Contracting Officer(s) for the Site;

10. The name and contact information of the Project Officer(s) for the Site; and,
11. All communications between EPA and the Contractor(s) as it relates to the Site.

For purposes of these requests, “document” refers to any electronic, written, graphic, video, or audio matter, however produced or reproduced, whether draft or final versions, and including but not limited to correspondence, e-mails, notes, interoffice communications, reports, memoranda, minutes, summaries, telephone records, telephone message logs or slips, PowerPoint presentations, meeting agendas, transcripts, call lists, spreadsheets, maps, photographs, data compilations, indices, privilege logs, or calendars.

In responding to these requests, EPA’s search should encompass, but should not be limited to: (a) documents sent to or from e-mail addresses used by current or former EPA employees and representatives, regardless of whether such addresses are private or secondary addresses of official addresses; (b) documents generated for any meeting which EPA participated or conducted, including agendas, spreadsheets, PowerPoint presentations, and notes; and (c) documents relating to or evidencing presentations made by any party to agencies or entities other than EPA.

With respect to these requests, EPA need not provide Asarco with duplicative copies of documents to the extent the same document is located in more than one location. EPA should, however, produce *in toto* any document and its accompanying attachments.

FOIA Exemptions

Should you decide to invoke a FOIA exemption with regard to any of the requested records, please include in your full or partial denial letter sufficient information to appeal the denial. See 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F). To comply with legal requirements, the following information must be included:

1. Basic factual material about each withheld item, including the originator, addressees and recipients, date, length, general subject matter, and location of each item; and
2. Explanations and justifications for the denial, including identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of a record requested are exempt from disclosure, please redact the exempt portions, identify and describe the withheld portions, specify the applicable exemption, and provide the remainder of the record. See 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F), (b).

Timing and Mechanics of Production

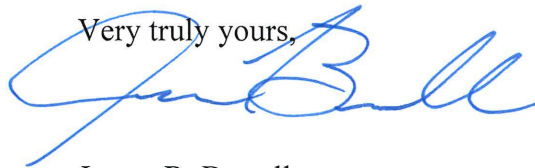
We request that in responding to this letter, EPA comply with all relevant deadlines and other obligations set forth in FOIA and EPA's regulations, and we look forward to receiving your response within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i); 40 C.F.R. § 2.104(a). Please produce records on a rolling basis; the search for—and deliberation concerning—certain documents should not delay the production of others that the EPA has already retrieved and could turn over. Please note that Asarco is interested in working with the EPA to ensure that the burden associated with this FOIA request is minimized to the extent practicable, including discussing phased or prioritized document productions.

We prefer to receive electronic documents, and not paper copies, whenever possible. To the extent possible, we request that EPA provide the requested information in searchable, electronic format on CD, DVD, or external hard drives of sufficient size to contain the production. Electronic files should be provided in their original format, not in PDF containers. Individual e-mails, and their attachments, should be maintained as single msg files. If this is not possible, then e-mails and their attachments should be provided in either PST or NSF containers, thereby preserving all attachments information.

We understand that there may be fees and costs associated with this request, and we agree to pay any fees or costs up to \$200.00 associated with making these materials available to us. If the costs will be in excess of \$200.00, please advise me before such costs are incurred.

Thank you for your assistance.

Very truly yours,

A handwritten signature in blue ink, appearing to read "James R. Burrell", is written over the typed name.

James R. Burrell